

## Summary of Public Comments ADH Abortion Facility Rules

#	Received	Commenter	Comment	Agency Response
1	082820	Lacy Johnson, BLR	Section 6(J) requires notarized written consent from both the patient and the parent, guardian or custodian in cases involving a minor or woman who has been adjudicated incompetent. However, Ark. Code Ann. § 20-16-805(a) does not require the woman's notarized written consent in cases of incompetency. Why has this requirement been added?	Changed. Removed signature and notarization requirement for incompetent person and configured into two paragraphs: 6(J)(2)(a-b), pp. 6-1 and 6-2.
			Section 8(E)(1), which quotes Ark. Code Ann. § 20-17-802, omits subsection (e)(6) of that statute – the exception for persons acting in accordance with Ark. Code Ann. § 20-17-801 or the Final Disposition Rights Act of 2009. Why was this subsection omitted?	Enjoined <a href="#">Hopkins v. Jegley</a>
			Are the sterilization procedures in Section 10(A)(4)(j) adapted from something else or were they created for this rule?	Adapted from nationally recognized AORN and CDC sterilization standards.
			There are also just a few typos:  Section 3(W) should read “has been adjudicated disabled” rather than “has been adjudicated disabled person”	Statutory language. “Incompetent means a person who has been adjudged <u>a</u> disabled person and has had a guardian appointed for her;” Parental Involvement Enhancement Act of 2015, Ark. Code Ann. §20-16-803(1)(5)

			<p>There are two misquotes in the Note on Section 8(E)(1), which quotes Ark. Code Ann. § 20-17-802:</p> <p>The word “or,” at the beginning of (b)(2), should be at the end of (b)(1); and</p> <p>Subsection (e) should begin, “Subsection (d) of this section does not apply” rather than “This section does not apply”</p>	<p>Changed.</p> <p>Came out with enjoined material-<u>Hopkins v. Jegley</u>; Tissue disposal mandate enjoined</p>
			Section 8(E)(2) should state, “An external member of the human body shall not be disposed of . . .,” per 20-17-801(b)(1)(A). The rule text currently omits the “not.”	<b>Added</b> p. 8-3 but – <u>Hopkins v. Jegley</u> enjoined?
2	090220 written	Bettina Brownstein for LRFPS	Per letter, request that the proposed Rule 8(G) be withdrawn.	Changed. Section 8(G) removed from proposed amendments to rules.